

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brad Tukes,

Petitioner,
v.

ORDER
Civil No. 05-1765 (MJD/SRN)

Joann Fabin, MCF-Moose Lake
Warden Terry Carlson, Sgt.
Speiss, and A/W Hilleran,

Respondents.

The above-entitled matter comes before the Court upon the
Petitioner's objections to the Report and Recommendation of United States
Magistrate Judge Susan Richard Nelson dated August 12, 2005.

Pursuant to statute, the Court has conducted a de novo review of the
record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review
the Court will adopt the Report and Recommendation dated August 12,
2005.

IT IS HEREBY ORDERED that:

1. Petitioner's Application for a writ of habeas corpus [Docket No.
1] is DENIED;
2. Petitioner's Application to proceed *in forma pauperis* [Docket
No. 3] is DENIED; and

3. This action is DISMISSED WITHOUT PREJUDICE.

Date: November 22, 2005

s/ Michael J. Davis
Michael J. Davis
United States District Court

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